



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



September 27, 2002

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
No. WMD 02-27**

Portsmouth Chevrolet  
2025 Woodbury Avenue  
Newington, NH 03801

Attn: Mr. Anthony DiLorenzo, President

**Re: Portsmouth Chevrolet  
Newington, NH  
EPA ID # NHD018962621**

Dear Mr. DiLorenzo

On April 11, 2002, the Department of Environmental Services (DES) conducted an inspection of Portsmouth Chevrolet (Portsmouth Chevrolet). The purpose of the inspection was to determine Portsmouth Chevrolet's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 502.01 - Hazardous Waste Determination

At the time of the inspection, Portsmouth Chevrolet had two (2) 55-gallon containers of unknown contents located behind the building. The containers were identified as containing waste.

Env-Wm 502.01 requires the generator of a waste to determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Portsmouth Chevrolet conduct a hazardous waste determination of the two (2) 55-gallon containers of waste located behind the building. These analyses should include, at a minimum, RCRA metals and volatile organic compounds, using the Toxicity Characteristic Leaching Procedure (TCLP) found in "Test Methods for Evaluating Solid Wastes, SW-846". Additional testing may be needed depending upon the materials which could comprise the fluid. If the results of this testing indicate that these wastes are hazardous, then Portsmouth Chevrolet must ensure that the wastes are managed in accordance with Env-Wm 500 of the New Hampshire Hazardous Waste Rules and are disposed of at a permitted facility authorized to handle hazardous waste.

2. Env-Wm 504.02(d) - Generator Notification

At the time of the inspection, Portsmouth Chevrolet had generated sufficient volumes of hazardous waste to meet the criteria for designation as a Full Quantity Generator (FQG) six (6) times during 2001 and one (1) time during 2002, although Portsmouth Chevrolet had notified as a Small Quantity Generator (SQG). The DES inspector was told that the autobody shop (where the largest percentage of hazardous waste is generated) would be expanding its operations in the future, thereby generating higher volumes of hazardous waste.

Env-Wm 504.02(d) requires that a generator shall notify DES in writing of any changes to the information required in Env-Wm 504.02(b), including generator status, within 30 days of the effective date of the change. Env-Wm 503.01(a) states that "a small quantity generator shall be any generator who, in each and every calendar month, generates less than 100 kilograms or 220 pounds of hazardous waste". Env-Wm 503.02 (a) states that "the department shall classify a generator as a full quantity generator if he/she generates equal to or greater than a total of 100 kilograms or 220 pounds of hazardous waste in any single month".

DES requests that Portsmouth Chevrolet re-notify DES as an FQG of hazardous waste. Enclosed is a Hazardous Waste Activity Notification Form for completion and submittal if a change in generator status is necessary. Alternatively, if Portsmouth Chevrolet's hazardous waste generation rate is consistently less than 100 kg/month, the facility may remain an SQG, but Portsmouth Chevrolet will need to submit a statement to this effect. By remaining an SQG, Portsmouth Chevrolet can achieve regulatory relief from the FQG requirements listed under Env-Wm 509 and would not be required to develop and maintain a contingency plan (item #9), personnel training program (item #7) and inspection plan (item #6).

3 Env-Wm 507.01(c) - Hazardous Waste Storage

At the time of the inspection, hazardous waste containers were being stored in areas with functional floor drains with no provisions for secondary containment.

Env-Wm 507.01(c) requires generators to provide secondary containment capable of containing the volume of the largest capacity hazardous waste container present when functional floor drains are within the storage area.

DES requests that Portsmouth Chevrolet provide secondary containment for hazardous waste containers stored in areas with functional floor drains.

4. Env-Wm 507.03(a)(1)a. – Marking

At the time of the inspection, one (1) 55-gallon container of hazardous waste in the paint shop was not labeled with the accumulation date.

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste be marked with the beginning accumulation date.

DES requests that Portsmouth Chevrolet ensure that all containers used for the storage of hazardous waste be marked with the date of accumulation at the time they are first used to store hazardous waste.

5. Env-Wm 507.03(a)(1)c. - Marking

At the time of the inspection, the one (1) 55-gallon container of hazardous waste in the paint shop was not labeled with a description of the contents.

Env-Wm 507.03(a)(1)c. requires that all containers used for the storage of hazardous waste be marked with words that identify the contents of the container.

DES requests that Portsmouth Chevrolet properly mark all containers of hazardous waste at the time they are first used to store waste with the words that identify the contents of the container.

6. Env-Wm 509.02(a)(1) – General Inspection Requirements

At the time of the inspection, Portsmouth Chevrolet had not documented inspections of the hazardous waste storage area in the “Paint Shop”.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s).

DES requests that Portsmouth Chevrolet conduct and document inspections of the hazardous waste storage area located at the facility. DES requests that a copy of the most recently completed inspection log be submitted. Enclosed you will find a suggested outline for inspection plans.

Env-Wm 509.02(a)(2) – Personnel Training

At the time of the inspection, Portsmouth Chevrolet could not document initial hazardous waste training and annual updates for employees who would act as Emergency Coordinators or employees who handle hazardous waste.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that annual reviews are conducted for personnel handling hazardous waste, including Emergency Coordinators.

DES requests that Portsmouth Chevrolet maintain a written personnel training program which includes conducting and documenting hazardous waste training and annual updates for all Emergency Coordinators and employees who handle hazardous waste. Enclosed you will find a suggested outline for training programs.

8. Env-Wm 509.02(a)(3) – Storage Requirements for Ignitable Wastes

At the time of the inspection, there were no “No Smoking” signs posted near ignitable waste (D001) in the paint shop

Env-Wm 509.02(a)(3), which references 40 CFR Part 265.17 – General Requirements for Ignitable, Reactive or Incompatible Wastes, requires, in part, that “No Smoking” signs be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

DES requests that Portsmouth Chevrolet ensure that “No Smoking” signs are posted at all areas where there is a hazard from ignitable or reactive waste.

9. Env- Wm 509.02(a)(5) – Contingency Plan

At the time of the inspection, Portsmouth Chevrolet did not have a contingency plan.

Env- Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Portsmouth Chevrolet develop a contingency plan to meet the requirements set forth in 40 CFR 265, Subpart D. DES further requests that the contingency plan be submitted to DES. Enclosed please find a suggested outline for a contingency plan which may also be useful as a guide.

10. Env-Wm 509.02(b)– Emergency Posting

At the time of the inspection, Portsmouth Chevrolet did not have a complete emergency posting at the nearest telephone adjacent to the hazardous waste storage area.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requests that Portsmouth Chevrolet post the required information at the nearest telephone to the hazardous waste storage area. Enclosed is a sample emergency posting for your reference.

11. Env-Wm 807.06(b)(5) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, there were thirteen (13) 10-gallon containers of used oil that were not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove waste.

DES requests that all used oil containers and tanks be kept closed at all times except to add or remove waste. Safety funnels which thread into the bung and have closeable lids that seal are acceptable for this purpose.

12. Env-Wm 1102.04 (a)(2)b. – Accumulation Time Limits

At the time of the inspection, Portsmouth Chevrolet was not labeling containers of waste antifreeze and waste batteries with the date it became a waste or was received.

Env-Wm 1102.04 (a)(2)b. requires that universal waste handlers mark or label each individual item of universal waste with the date it became a waste or was received.

DES requests that Portsmouth Chevrolet label containers of waste antifreeze and waste batteries with the date it becomes a waste.

13. Env-Wm 102.04 (a)(2)c. – Universal Waste Inventory System

At the time of the inspection, Portsmouth Chevrolet did not maintain an inventory system on-site that identifies the date each universal waste became a waste or was received.

Env-Wm 1102.04 (a)(2)c. requires that universal waste handlers maintain an inventory system on-site that identifies the date each universal waste became a waste or was received.

DES requests that Portsmouth Chevrolet maintain an inventory system on-site that identifies the date each universal waste became a waste or was received.

14. Env-Wm 102.05 – Outside Storage of Universal Wastes

At the time of the inspection, Portsmouth Chevrolet did not cover the containers of waste antifreeze that were stored outdoors to prevent precipitation from coming in contact with the waste.

Env-Wm 1102.05 requires that universal waste stored outside be covered to prevent precipitation from coming in contact with the waste.

DES requests that Portsmouth Chevrolet ensure any universal waste stored outdoors be covered to prevent precipitation from coming in contact with the waste.

15. Env-Wm 1103.03 – Employee Training

At the time of the inspection, Portsmouth Chevrolet did not inform all employees who handle or have responsibility for managing universal waste of the proper handling and emergency procedures appropriate to the type of waste (batteries and antifreeze) handled at the facility.

Env-Wm 1103.03 requires that a small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste of the proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

DES requests that Portsmouth Chevrolet develop a training program to inform all employees who handle or have responsibility for managing universal waste of the proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility. DES further requests that a copy of the training program be submitted to DES.

16. Env-Wm 1109.04 – Labeling of Batteries

At the time of the inspection, Portsmouth Chevrolet did not label universal waste batteries or the containers holding batteries.

Env-Wm 1109.04 requires universal waste handlers to clearly label or mark universal waste batteries or containers holding batteries with one, two or all of the following: “Universal Waste-Battery(ies)”, “Waste Battery(ies)” or “Used Battery(ies)”.

DES requests that Portsmouth Chevrolet clearly label or mark universal waste batteries or containers holding batteries with one, two or all of the following: “Universal Waste-Battery(ies)”, “Waste Battery(ies)” or “Used Battery(ies)”.

17. Env-Wm 1114.04 – Labeling of Antifreeze

At the time of the inspection, Portsmouth Chevrolet did not label the containers holding antifreeze.

Env-Wm 1114.04 requires universal waste handlers to clearly label containers holding antifreeze with one, two or all of the following: “Universal Waste-Antifreeze”, “Waste Antifreeze” or “Used Antifreeze”.

DES requests that Portsmouth Chevrolet clearly label containers holding antifreeze with one, two or all of the following: "Universal Waste-Antifreeze", "Waste Antifreeze" or "Used Antifreeze".

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Portsmouth Chevrolet can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Portsmouth Chevrolet, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact

sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Nancy J. Phillips or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

CERTIFIED MAIL RRR# 7099 3400 0002 9773 1243

cc: DB/RCRA/LOD/Archives  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, DES Enforcement Coordinator  
Walter Ferrara, Portsmouth Chevrolet

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist  
Emergency Posting Sample  
Inspection Schedule/Log Sample  
NHDES Suggested Outline for Personnel Training Records  
NHDES Suggested Outline for Contingency Plans